09874630

RECEIVED
CENTRAL FAX CENTER

OCT 30 2006

REMARKS

Reconsideration is respectfully requested.

Entry of the above amendments is courteously requested in order to place all claims in this application in allowable condition and/or to place the non-allowed claims in better condition for consideration on appeal.

Claims 1 through 11, 14 through 20, 22, 23, and 25 through 44 remain in this application. Claims 12, 13, 21 and 24 have been cancelled. No claims have been withdrawn. Claims 45 through 48 have been added.

Paragraphs 1 through 32 of the Office Action

Claims 1, 2, 5 through 8, 12 through 15, 18, 20, 22, 23, 25, 26, 28 through 30, 32, 33, 35 through 37, 43 and 44 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Appleby in view of Morimoto.

Claims 9, 10, 16 and 31 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Appleby and Morimoto as applied to claims 1, 7, 12 and 30 above and further in view of Lau.

Claims 11, 17 and 19 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Appleby, Morimoto and Lau as applied to claims 1, 7 and 12 above and further in view of Miura.

Claims 3, 4, 21, 24, 27, 34 and 38 through 42 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Appleby, Morimoto as applied to claims 1, 20, 23 and 26 above and further in view of Toyoda.

Claim 1 has been amended to include the requirements of claims 12 and 13, and thus now requires "directing a web browser application on the client computer to the location of the received file written in the conversion

Page 16 of 26

09874630

format on the selected server" and "downloading the received file written in

the conversion format from the selected server onto the client computer

using the web browser application". Similarly, but not identically,

independent claim 30 requires the step of "receiving from the selected

server an index page including a plurality of links, each link corresponding

to one of the plurality of files in the file archive written in a conversion

format readable by the client computer, wherein the file archive written in

the source format is converted by the selected server into the file archive

written in the conversion format".

It is stated in the rejection of claim 13 in the Office Action that:

8.   As per claim 13, Appleby-Morimoto teaches directing a web
browser application on the client computer to the location of the
received file written in the conversion format on the selected server;
and downloading the received file written in the conversion format
from the selected server onto the client computer using the web
browser application (figures 1, 2, 6, column 1, lines 17-20, 35-42).

Turning to the referenced portions of the Morimoto patent, it states at col.

1, lines 17 through 20 that:

At present, in accordance with a development of a network, in
particular, a widespread of an internet, users are able to easily access
information of foreign languages which comprise mainly English.

This portion of the Morimoto patent describes neither direct a we browser

nor downloading a file in a converted format, and it is not seen how it could

lead one of ordinary skill in the art to either of these aspects of the claimed

invention. Further, Morimoto states at col. 1, lines 35 through 42 that:

In the machine translation, a quality of a dictionary and a
coverage of words considerably affect the quality of the translation.
However, information on the internet covers a considerably wide field.
Moreover, new information appears on the internet day by day so that
it takes the high cost for supplement dictionaries in corresponding to
the increase of words of a wide field and new words.

Other than this statement being almost unintelligible in parts, it is

submitted that this portion of the Morimoto patent could not lead one of

09874630

ordinary skill in the art to "*directing a web browser application* on the client computer to the location of the received file written in the conversion format on the selected server", much less "*downloading the received file* written in the conversion format from the selected server onto the client computer using the web browser application" as required by claim 1. Simply stating that "information on the internet covers a considerably wide field" and that "new information appears on the internet day by day" does not lead one of ordinary skill in the art to these requirements of claim 1, or the similar (but not identical) requirements of claim 30. Claims 19, 23, and 36 include requirements related to these requirements.

Claim 20 has been amended to include the requirements of claim 21, and thus requires, in part, "broadcasting the source format of the received file to the plurality of servers", "in response to the broadcast, receiving from at least one of the plurality of servers the conversion rating assigned thereto corresponding to the source format of the received file" and "selecting one of the plurality of servers having the highest received conversion rating". Similarly, but not identically, claim 23 requires "broadcasting the source format of the received file to the plurality of servers", "in response to the broadcast, receiving from at least one of the plurality of servers the conversion rating assigned thereto corresponding to the source format of the received file", and "selecting one of the plurality of servers having the highest received conversion rating". Claim 34 requires "broadcasting the format of the received file to the plurality of servers". Claim 39 requires "broadcasting the format of the received file to the plurality of servers". Claim 40 requires "broadcasting the format of the received file to the plurality of servers".

With respect to claims 21 (which is not part of claim 20), claim 24 (which is not part of claim 23), claim 34, and claim 39 (as well as claim 4), the rejection of the Office Action concedes that "Morimoto does not teach the broadcasting", but then asserts that:

Page 18 of 26

09874630

However, Toyoda teaches it in the abstract.

Thus, it would have been obvious to one skill in the ad to combine Morimoto's conversion with Toyoda's broadcast in order to perform an image reception using a communication protocol, which needs an IP address for a receiver side, in accordance with, for example, a DHCP protocol in the network in which an IP address is assigned to a communication terminal from an outer section.

Keeping in mind that the language of, for example, claim 20 requires "broadcasting the source format of the received file to the plurality of servers", it is submitted that one of ordinary skill in the art would not have been to led to this requirement in combination with the other requirements by the allegedly obvious combination. More specifically, the abstract of Toyoda states:

> A RARP processing section of a network scanner obtains a MAC address corresponding to a user name from a MAC address table, and broadcasts a RARP request by use of this MAC address. While, a PC sends a pair of a self-IP address and a mail address to a RARP processing section in response to the RARP request. After obtaining an IP address of this PC, a scanner scans an original, and generates e-mail to which the image is appended. Next, an SMTP transmitting section directly transmits the generated e-mail to the PC. At this time, the SMTP transmitting section uses the IP address of PC obtained by the RARP processing section. In the network to which HDCP is introduced, the network scanner automatically obtains the IP address of PC, and directly transmits image data to the PC.

It is difficult to see how one of ordinary skill in the art would come to consider the Toyoda patent and modify the Morimoto disclosure based upon it, as the Toyoda patent has nothing to do with the "dictionary management method and apparatus" described in the Morimoto patent, and does not have anything to do with the verbal language translation aspect of Morimoto patent that is relied upon in the earlier rejection. Simply because the Toyoda patent discusses the broadcast of a RARP request, does not lead one of ordinary skill in the art to believe that the request of Morimoto should be a broadcast that includes "the format of the received file" that is made to "a plurality of servers", rather than just one server.

Page 19 of 26

09874630

Appln. No. ~~11/173,349~~
Amendment dated October 30, 2006
Reply to Office Action mailed August 25, 2006

With respect to claim 26, which requires "receiving a file on the client computer, wherein the file is written in a format unreadable by the client computer", "transmitting the format of the received file to a resource locator server", and "receiving a selection of one of the plurality of servers from the resource locator server, wherein the selected server has the highest conversion rating assigned thereto corresponding to the format of the received file".

The rejection of the claims in the Office Action alleges that the Appleby patent discloses the requirements of "receiving a file on the client computer, wherein the file is written in a source format unreadable by the client computer" of claim 26, stating (emphasis added):

> As per claims 1, 20 and 26, Appleby discloses the invention substantially as claimed. Appleby discloses in a computer network comprising a client computer and a plurality of servers, wherein each server is capable of being assigned at least one conversion rating, each conversion rating corresponding to <u>a first file format unreadable by the client computer</u> that the respective serve is capable of converting into a second file format readable by the client computer, a method for selecting one of the plurality of servers comprising: receiving a file on the client computer, wherein the file is written in a source format unreadable by the client computer [see Appleby, Col. 3, lines 42-67 and Col. 4, lines 1-49].

In reviewing the referenced portion of the Appleby patent, it appears that the rejection is based upon an interpretation of a user being unable to understand the language of selected text with the claim 1 requirement of a file having "a source format unreadable by the client computer". However, nothing in the referenced portion of the Appleby patent would lead one of ordinary skill in the art to understand that the client computer referenced in Appleby is *unable to read* the file that is being sent to the Appleby system. While the user of the client computer may not be able to understand the language of the text stored in the file, this does not mean that the file containing the text is "in a source format unreadable by the client

Page 20 of 26

09874630

Appln. No. 11/172,349
Amendment dated October 30, 2006
Reply to Office Action mailed August 25, 2006

computer", as required by claim 1. One of ordinary skill in the art recognizes a difference between the user of a client computer being unable to understand the language of a text and a client computer being unable to read a file because of its source format.

In fact, little is said in the referenced portion of the Appleby patent about the handling or analysis of the text that is sent to the translator for translation. It is stated in Appleby at col. 3, lines 36 through 41 that (emphasis added):

> The browser 114 thereby downloads the applet 116 at the beginning of the communications session, as part of a hypertext document from the server 200. <u>The function of the applet 116 is to control the display of received information, and to allow the input of information for uploading to the server 200 by the user,</u> through the browser 114.

Thus, there is little if any description of the function of the applet at the client computer, but it is made clear here that the user inputs information that is uploaded to the server (translator), and there is no evidence that the applet makes any distinction as to whether the source format of a file is readable or unreadable. One of ordinary skill in the art would likely draw the conclusion that it is the user, and not the computer, that recognizes that the text of a file needs to be translated from one language unknown to the user to another, known language that is known to the user. Further, it is stated at col. 4, lines 9 and 10, that:

> A source language text document (stage A) is received by the translator from the client terminal 100.

Again, there is no evidence here that the client computer makes any determination as to the readability of the source format of the file.

It is then conceded in the rejection of the Office Action that:

> However, Appleby does not explicitly disclose selecting one of the plurality of servers having the highest conversion rating assigned thereto corresponding to the source format of the received file.

Page 21 of 26

0987H630

Appln. No. ~~11/172,349~~
Amendment dated October 30, 2006
Reply to Office Action mailed August 25, 2006

It is then contended that:

> 8.   In the same field of endeavor, Morimoto discloses (e.g.,
> information processing apparatus connected to a network to translate a
> document). Morimoto discloses selecting one of the plurality of
> servers having the highest conversion rating assigned thereto
> corresponding to the source format of the received file (see Morimoto,
> column 8, lines 3-13).
>
> 9.   Accordingly, it would have been obvious to one of ordinary
> skill in the networking art at the time the invention was made to have
> incorporated Morimoto's teachings of an information processing
> apparatus connected to a network to translate a document with the
> teachings of Appleby, for the purpose of providing a more efficient
> way of translating documents into a suitable format by a client system.

While it is agreed that the Appleby patent does not teach this aspect of the
claimed invention, it is submitted that one of ordinary skill in the art would
not recognize that the allegedly obvious modification of Appleby, to arrive
at the claimed feature of "selecting one of the plurality of servers having
the highest conversion rating assigned thereto corresponding to the source
format of the received file" is obvious. More specifically, the Appleby
patent describes a system in which a plurality of client computers feed
language translation material to a server/translator, and there is no
suggestion that there might be other server/translators that might be able to
accomplish the language translation faster. Furthermore, nothing in the
description of Appleby patent suggests that the applet on the client
computer has any ability to discern what server/translator might be fastest
with a conversion.

It is also submitted that the Morimoto patent does not supply the
deficiency with respect to the first requirement of claim 26 that is not
disclosed in the Appleby patent. As previously noted, the Morimoto patent
discusses a system that is directed to a system for selecting a dictionary
resource, such as is described in the Morimoto patent at col. 2, lines 16
through 21 (emphasis added):

> It is a further object of the present invention to provide a machine
> translation method in which a translated sentence of a high quality can

Page 22 of 26

09874630

be created by <u>retrieving dictionary information through a network</u> even
if a processing speed of a dictionary retrieval through the network is
not sufficient when a client executes a translation processing.

However, claim 1 requires that "the file is written in *a source format
unreadable by the client computer*", while the Morimoto system addresses a
situation in which the text of a document on the Internet is written in a
language that is not the *user's* language. The Morimoto patent is not
concerned with whether the file format of the Internet document is readable
by the Morimoto system—clearly the document must be readable by the
system or the system could not attempt to translate the language of the
document—but rather is simply concerned with accessing dictionaries when
an "unknown" word that "cannot be translated" is encountered in the
document. See, for example, col. 2, lines 32 through 42 (emphasis added):

> According to the present invention, there is provided a machine
> translation method of translating a document by using a translation
> knowledge. The machine translation method comprises the steps of
> transmitting an inquiry for inquiring a translation knowledge used to
> translate <u>a syntactic unit containing an unknown word</u> and having a
> correct grammar to a network <u>when an unknown word that cannot be</u>
> <u>translated</u> is recognized during a document is translated, continuing
> translating a syntax following the syntactic unit, and completing the
> translation of the syntactic unit by using an answer when the answer to
> the inquiry is received.

Thus, the language translation is performed by a client of the Morimoto
system that clearly recognizes and reads the language or format of the
document, which is contrary to the requirement of claim 1 that "the file is
written in a source format unreadable by the client computer". This is
confirmed by the portion of the Morimoto patent referenced in the Office
Action at col. 4, lines 49 through 60 (emphasis added):

> As shown in FIG. 1, a plurality of servers 1 and a plurality of
> clients 11 are connected to a network. <u>Each of the clients 11 is able to</u>
> <u>execute a translation processing alone by using a client dictionary 14</u>
> <u>and a grammar 15.</u> Further, when a translation is executed, the client
> 11 requests the dictionary server 1 to <u>retrieve dictionary information</u>
> <u>concerning dictionary entries which do not exist on the client</u>
> <u>dictionary 14, and executes a translation by using both returned</u>

Page 23 of 26

09874630

> dictionary information and the client dictionary 14. The dictionary
> server 1 receives dictionary information retrieval request concerning a
> certain dictionary entry from the client 11, and returns dictionary
> information concerning the above dictionary entry to the client 11.

If the "client" of Morimoto is able to perform the translation alone, then the
"file format" is clearly "readable" by the Morimoto client, in contrast to the
requirement of claim 26 that "the file is written in a source format
unreadable by the client computer". Even in the Morimoto client is unable
to translate "dictionary entries which do not exist on the client dictionary",
it is apparent to one of ordinary skill in the art that the Morimoto client is
able to "read" the file format of the document being translated, and merely
requests information about "dictionary entries" that don't happen to be on
the client's dictionary, and may not make any requests if all of the words
are recognized.

It is also noted that the approach taken by Morimoto is at odds with
the approach taken in Appleby. More specifically, while the Appleby
system apparently sends all files out to the server/translator for translation,
the Morimoto system attempts to perform the translation at the client or
local system. Thus, in any allegedly obvious modification of the Appleby
system using the Morimoto system, one of ordinary skill in the art is left to
decide whether to abandon the remote translation of Appleby for the local
translation of Morimoto, upon the belief that a local translation could be
faster, or completely abandon the local translation scheme of Morimoto.
(Note that the Morimoto patent expresses concerns about the connection
speed for communicating with servers in the introduction.)

It is therefore submitted that the cited patents, and especially the
allegedly obvious combination of Appleby, Morimoto, Lau, Miura, and
Toyoda set forth in the rejection of the Office Action, would not lead one
skilled in the art to the applicant's invention as required by claim 26.

Page 24 of 26

09874630

Appln. No. 11/172,349
Amendment dated October 30, 2006
Reply to Office Action mailed August 25, 2006

New Claims

New claim 45 requires that "the client computer operates using a Linux operating system and the unreadable file format is based upon a Microsoft Windows operating system". It is submitted that the cited art does not disclose or suggest such a relationship.

New claim 46 requires that "the unreadable source format of the received file is a file format that is formatted for use on a computer utilizing operating system software different from operating system software installed on the client computer". Again, it is submitted that the art relied upon in the rejections would not lead one of ordinary skill in the art to this requirement.

New claim 47 requires that "the unreadable source format of the received file is a type of format that the client computer cannot present to a user of the client computer using a program present on the client computer".

Also, new claim 48 requires that "the unreadable source format of the received file is a file format readable by an operating system software that is not installed on the client computer".

Withdrawal of the §103(a) rejection of claims 1 through 11, 14 through 20, 22, 23, and 25 through 44 is therefore respectfully requested.

Page 25 of 26

09874630

Appln. No. 11/172,349
Amendment dated October 30, 2006
Reply to Office Action mailed August 25, 2006

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.

_____   Date: _Oct. 30, 2006_
Jeffrey A. Proehl (Reg. No. 35,987)
Customer No. **40,158**
P.O. Box 5027
Sioux Falls, SD 57117-5027
(605)336-3890 FAX (605)339-3357

Page 26 of 26